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EXAMINER
LEE, PHILIP C

ART UNIT	PAPER NUMBER
2448	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>18 August 2010</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-53</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-53</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>8/18/10</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____

1.   This action is responsive to the amendment and remarks filed on August 18, 2010.

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 8/18/10 has been entered.

3.   Claims 1-53 are presented for examination.

4.   The text of those sections of Title 35, U.S. code not included in this office action can be

found in a prior office action.

Claim Rejections - 35 USC 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject
> matter which the applicant regards as his invention.

6.   Claim 52 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

7.   Regarding claim 52, claim element means for storing, means for receiving, means for

acquiring and means for transmitting are means (or step) plus function limitations that invokes

35 U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or associate

the disclosed structure, material, or acts to the claimed function such that one of ordinary skill in

the art would recognize what structure, material, or acts perform the claimed function. It is

unclear from applicant's specification if the means plus function limitations stated above include

software, or software and the hardware components, or some other combination of elements.

Applicant is required to:

(a)   Amend the claim so that the claim limitation will no longer be a means (or step)

plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b)   Amend the written description of the specification such that it clearly links or

associates the corresponding structure, material, or acts to the claimed function

without introducing any new matter (35 U.S.C. 132(a)); or

(c)   State on the record where the corresponding structure, material, or acts are set

forth in the written description of the specification that perform the claimed

function. For more information, see 37 CFR 1.75(d) and MPEP §§ 608.01(o)

and 2181.

Claim Rejections – 35 USC 103

8.   Claims 1-2, 10-12, 18-19, 27-29, 35-36, 44-46 and 52 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Jayaram et al, U.S. Patent 6,996,589 (hereinafter Jayaram) and Fagin

et al, U.S. Patent 7,149,746 (hereinafter Fagin) in view of Menon, U.S. Patent 6,615,204

(hereinafter Menon).

9.   Jayaram and Fagin were cited in the previous office action.

10.   As per claims 1, 18, 35 and 52, Jayaram teaches the invention substantially as claimed

comprising:

    a data integration server coupled with one or more persistent data stores (system with the

    database conversion engine connected to the source database and target database)(fig. 1;

    col. 3, lines 33-52; col. 10, lines 56-63), the data integration server executing bulk data

    transfers between the one or more persistent data stores (col. 1, lines 6-9) according to an

    enterprise-level (e.g., billing industry or telecom industry) business workflow (flow of

    business information such customer information between 320 and 310 of figure 3;

    abstract; col. 16, lines 1-12; col. 13, lines 6-8), the data integration server comprising:

    a plurality of programmatic source interfaces (234, fig. 2, data filters with source extract

    format specification; col. 14, lines 20-22), each coupled with one or more source data

    stores (associated with source system 320, 225 of fig. 2), defined according to a common

    programmatic source interface specification (defined according to source extract format

    specification)(col. 11, lines 1-5), and exposed within the data integration server during

    the bulk data transfer (abstract; col. 16, lines 1-12); and

    a plurality of programmatic target interfaces (270, fig. 2, data upload process consists of

    tools such as SQL loader (sqlldr; col. 18, lines 56-61) with target scheme specification

and mapping specification), each coupled with one or more target data stores (associated

with target system 310, fig. 2), defined according to a common programmatic target

interface specification (defined according to target scheme specification and mapping

specification)(col. 11, lines 5-11), and exposed within the data integration server during a

bulk data transfer (abstract),

wherein each of the plurality of programmatic source interfaces extracts from the one or

more source data stores one or more data entities for loading into any one or more target

data stores during the bulk data transfer (data filters used during bulk transfer to enable

the system to receive/pull source data for loading into the target system)(col. 11, lines 5-

11; col. 11, line 64-col. 12, line 10); and wherein each of the plurality of programmatic

target interfaces loads into the one or more target data stores the one or more data entities

extracted from the one or more source data stores during the bulk data transfer (data

filters used during bulk transfer to enable the system to receive/pull source data for

loading into the target system)(col. 11, lines 5-11; col. 11, line 64-col. 12, line 10).

11.   Jayaram does not teach a plurality of relational interfaces used as alternatives. Fagin

teaches a plurality of relational interfaces used as alternatives to the plurality of programmatic

source interfaces or the plurality of programmatic target interfaces (col. 4, lines 7-29; col. 13,

lines 5-22).

12.   Because Jayaram and Fagin teach similar method of interfacing systems for data transfer,

it would have been obvious to one having ordinary skill in the art at the time of the invention was

made to use known technique of alternative relational interfaces of Fagin's system to improve

similar method of interfacing systems for data transfer in Jayaram's system in the same way. By

using the known technique of alternative relational interfaces, it would allow Jayaram's system

to provide alternative mappings for interfacing transferred data between the systems.

13.   Although Fagin teaches a plurality of relational interfaces used as alternatives to the

plurality of programmatic source interfaces or the plurality of programmatic target interfaces,

however, Jayaram and Fagin do not teach providing interfaces based on file processing time and

one or more performance requirements. Menon teaches providing interfaces based on file

processing time and one or more performance requirements (col. 13, lines 46-62).

14.   Because Jayaram, Fagin and Menon teach similar method of interfacing systems for data

transfer, it would have been obvious to one having ordinary skill in the art at the time of the

invention was made to use known technique of providing interfaces based on processing time

and requirement of Menon's system to improve similar method of interfacing systems for data

transfer in Jayaram's and Faign's systems in the same way. By using the known technique of

providing interfaces based on processing time and requirement, it would allow Jayaram's and

Faign's systems to provide mappings with better performance for interfacing transferred data

between the systems.

15.

16.   As per claims 2, 19, and 36, Jayaram, Fagin and Menon teach the invention substantially

as claimed in claims 1, 18, and 35 above. Jayaram further teach the data integration server

exposes bulk data transfer operations as services to applications or other systems (col. 10, lines 42-49) (bulk data conversion and transfer is performed for the source system and target system)within an enterprise-level infrastructure (e.g., billing industry or telecom industry infrastructure) and executes a bulk data transfer operation in response to a request from such an application or other system (col. 10, lines 58-63) (instructions such as scheduling instructions for performing the conversion and transfer).

17.   As per claims 10, 27, and 44, Jayaram, Fagin and Menon teach the invention substantially as claimed in claims 1, 18, and 35 above. Jayaram further teach a particular data store is a source data store or a target data store for a particular bulk data transfer depending on whether data entities are extracted from the particular data store or loaded into the particular data store during the particular bulk data transfer (inherent in col. 2, lines 15-20) (system may be source or target depending on whether information is from (i.e., extracted) one system into (i.e., loaded) into another system).

18.   As per claims 11, 28, and 45, Jayaram, Fagin and Menon teach the invention substantially as claimed in claims 1, 18, and 35 above. Jayaram further teach loading data entities comprises inserting, updating, or deleting data entities (col. 11, lines 1-11) (uploading data must comprises inserting data into a target system).

19.   As per claims 12, 29, and 46, Jayaram, Fagin and Menon teach the invention substantially as claimed in claims 1, 18, and 35 above. Jayaram further teach wherein each of the plurality of

programmatic source interfaces and the plurality of programmatic target interfaces comprise: one

or more resources representing data entities contained in the one or more data stores are defined

(col. 14, lines 18-22) (data filter and data upload comprise source extract format specification,

mapping specification and target scheme specification, representing the format of data); and the

data integration server, in response to a request to execute a bulk data transfer involving one or

more resources contained in one or more data stores (col. 10, lines 56-63) (instructions served to

the system for executing of schedule conversion and uploading must include request to execute),

creates each programmatic interface within which at least one of the resources is defined (in

response to conversion, generate source extract format specification within which format is

defined) (col. 14, lines 26-28).

20.   Claims 16-17, 33-34, 50-51 and 53 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jayaram, Fagin and Menon in view of Bond et al, U.S. Patent Application

Publication 2001/0008023 (hereinafter Bond).

21.   As per claims 16, 33, and 50, although Jayaram teaches one or more transformation

interfaces exposed within the data integration server (col. 10, lines 64-67), each transformation

interface: comprising one or more programmatic interfaces defined within the transformation

interface (col. 16, lines 24-26); comprising custom transformation logic to be applied to data

entities extracted from one or more source data stores in a bulk data transfer, using one or more

of the plurality of programmatic source interfaces (col. 16, lines 30-41), before the extracted data

entities are loaded into one or more target data stores in the bulk data transfer, using one or more

of the plurality of programmatic target interfaces (col. 16, lines 30-41); and the data integration

server is further configured to, in connection with creating the programmatic interfaces, create

each transformation interface within which at least one of the programmatic interfaces is defined

for application of the associated custom transformation logic in the bulk data transfer (col. 16,

lines 24-41), however, Jayaram, Fagin and Menon do not specifically teach isolating

transformation logic from defined programmatic interfaces. Bond teaches isolating

transformation logic (240, fig. 2) from defined programmatic interfaces (251, 253, fig. 2)

([0021]). Because Jayaram, Fagin, Menon and Bond teach method of interfacing systems for

data transfer, it would have been obvious to one having ordinary skill in the art at the time of the

invention was made to use known technique of isolating transformation logic from defined

programmatic interfaces in Bond's system to improve similar method of interfacing systems for

data transfer in their systems in the same way. By using the known technique of isolating

transformation logic from defined programmatic interfaces, it would allow their systems to easily

develop segments of codes separately for the transformation logic and programmatic interfaces

in a complex software system.

22.   As per claims 17, 34, and 51, Jayaram, Fagin, Menon and Bond teach the invention

substantially as claimed in claim 16, 33, and 50 above. Jayaram further teach a controller

(inherently comprised) supported within the data integration server to use a transformation

interface in executing an individual bulk data transfer without using a commercially available

Extract-Transform-Load (ETL) tool in connection with the bulk data transfer (col. 10, lines 24-

67) (note that ETL is not used in the conversion engine).

23.   As per claim 53, it is rejected for the same reason as claims 1, 2, 16, and 17 above.

24.   Claims 3, 20 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Jayaram, Fagin and Menon in view of Shannon et al, U.S. Patent Application Publication

2002/0046301 (hereinafter Shannon).

25.   Shannon was cited in the previous office action.

26.   As per claims 3, 20, and 37, Jayaram, Fagin and Menon do not teach Java interfaces.

Shannon teaches Java interfaces ([0031] and claim 5).

27.   Because Jayaram, Fagin, Menon and Shannon teach similar method of interfacing

systems for data transfer, it would have been obvious to one having ordinary skill in the art at the

time of the invention was made to use known technique of JAVA interface of Shannon's system

to improve similar method of interfacing systems for data transfer in their systems in the same

way. By using the known technique of JAVA interface, it would allow their systems to map

transferred data between the systems.

28.   Claims 4-6, 8, 21-23, 25, 38-40 and 42 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jayaram, Fagin and Menon in view of Casagrande et al, U.S. Patent 6,381,709

(hereinafter Casagrande).

29.   Casagrande was cited in the previous office action.

30.   As per claims 4, 21, and 38, Jayaram, Fagin and Menon teach the invention substantially

as claimed in claim 1 above. Although Jayaram teaches a programmatic interface is exposed

within the data integration server supporting bulk data transfers (col. 11, lines 1-5); and the data

integration server: creates the programmatic interface to extract the data from or loading of the

data into the data store (col. 14, lines 26-28); and for data extraction, as the programmatic source

interface produces the data extracted from the data store, sends the outgoing data; or for data

loading, as the data arrives, sends the incoming data to the programmatic target interface for

loading into the data store (col. 11, lines 1-11), however, Jayaram, Fagin and Menon do not teach

industry standard interface and industry standard protocol. Casagrande teaches an interface

supporting data transfer according to an industry standard protocol (fig. 4, col. 8, lines 60-67);

receives a request from a client indicating that the client is extracting data from or loading data

into a data store in accordance with the industry standard protocol (col. 3, lines 48-51); and sends

the outgoing data to the client in accordance with the industry standard protocol (col. 3, lines 1-

4).

31.   Because Jayaram, Fagin, Menon and Casagrande teach similar method of interfacing

systems for data transfer, it would have been obvious to one having ordinary skill in the art at the

time of the invention was made to use known technique of FTP interface of transferring data in

Casagrande's system to improve similar method of interfacing systems for data transfer in their

systems in the same way. By using the known technique of FTP interface, it would allow their

systems to exchange data between systems on a network.

32.   As per claims 5, 22, and 39, Jayaram, Fagin, Menon and Casagrande teach the invention

substantially as claimed in claims 4, 21, and 38 above. Jayaram further teach the data integration

server allows a client supporting an industry standard protocol for bulk data transfers to perform

bulk data transfers with respect to an existing data store using a programmatic interface whether

or not the existing data store or an associated existing application itself supports bulk data

transfers in accordance with the industry standard protocol (col. 10, lines 43-63; col. 11, lines 23-

27).

33.   As per claims 6, 23, and 40, Jayaram, Fagin and Menon teach the invention substantially

as claimed in claim 1 above. Although Jayaram teaches a programmatic source interface is

exposed within the data integration server supporting bulk data transfers (col. 11, lines 1-5); and

the data integration server: creates the programmatic source interface to extract of the data from

the one or more source data store (col. 14, lines 26-28); and as the programmatic source interface

produces the data extracted from the one or more source data store, sends the outgoing data (col.

11, lines 1-11), however, Jayaram, Fagin and Menon do not teach industry standard File Transfer

Protocol (FTP) interface and FTP industry standard protocol. Casagrande teaches a FTP

interface supporting data transfer according to an FTP industry standard protocol (fig. 4, col. 8,

lines 60-67); and allows an FTP client to open an FTP connection informing the data integration

server that the FTP client is downloading a stream of data from the corresponding source data

store (col. 6, lines 10-15; col. 9, lines 58-60); and as the interface produces the stream of data

extracted from the one or more source data stores, sends the outgoing stream of data to the FTP

client in accordance with FTP (fig. 4, col. 3, lines 1-4).

34.   Because Jayaram, Fagin, Menon and Casagrande teach similar method of interfacing

systems for data transfer, it would have been obvious to one having ordinary skill in the art at the

time of the invention was made to use known technique of FTP interface of transferring data in

Casagrande's system to improve similar method of interfacing systems for data transfer in their

systems in the same way. By using the known technique of FTP interface, it would allow their

systems to exchange data between systems on a network.

35.   As per claims 8, 25, and 42, Jayaram, Fagin and Menon teach the invention substantially

as claimed in claim 1 above. Although Jayaram teaches a programmatic source interface is

exposed within the data integration server supporting bulk data transfers (col. 11, lines 1-5); and

the data integration server: creates the programmatic source interface to enable loading of the

data into the one or more source data store (col. 14, lines 26-28); and as the data arrives, sends

the incoming data to the programmatic target interface for loading into the one or more target

data stores (col. 11, lines 1-11), however, Jayaram, Fagin and Menon do not teach industry

standard File Transfer Protocol (FTP) interface and FTP industry standard protocol. Casagrande

teaches a FTP interface supporting data transfer according to an FTP industry standard protocol

(fig. 4, col. 8, lines 60-67); and allows an FTP client to open an FTP connection informing the

data integration server that the FTP client is uploading a stream of data to the one or more target

data store (col. 6, lines 10-15; col. 9, lines 58-60); and as the stream of data arrives from the FTP

client in accordance with FTP, sends the outgoing stream of data into the data store (fig. 4, col. 3,

lines 1-4) (i.e., the server of fig. 4 is interpreted as the FTP client and FTP client 12 and 24 of fig.

4 is the interpreted as the data store).

36.   Because Jayaram, Fagin, Menon and Casagrande teach similar method of interfacing

systems for data transfer, it would have been obvious to one having ordinary skill in the art at the

time of the invention was made to use known technique of FTP interface of transferring data in

Casagrande's system to improve similar method of interfacing systems for data transfer in their

systems in the same way. By using the known technique of FTP interface, it would allow their

systems to exchange data between systems on a network.

37.   Claims 13-15, 30-32 and 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Jayaram, Fagin and Menon in view of Walsh et al, U.S. Patent Application Publication

2003/0233249 (hereinafter Walsh).

38.   Walsh was cited in the previous office action.

39.   As per claims 13, 30, and 47, Jayaram, Fagin and Menon teach the invention substantially

as claimed in claims 1, 18, and 35 above. Although Jayaram teach connect to data stores (fig. 1),

whether or not the tool is compatible with these data stores, using the programmatic interfaces to

extract data entities from and load data entities into these data stores (col. 11, lines 1-11),

however, Jayaram, Fagin and Menon do not teach ETL tool. Walsh teaches connect directly to data stores (fig. 1) with which the ETL tool is compatible to extract data entities directly from and load data entities directly into these data stores ([0092]).

40.   Because Jayaram, Fagin, Menon and Walsh teach similar method of interfacing systems for data transfer, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use known technique of ETL tool of transferring data in Walsh's system to improve similar method of interfacing systems for data transfer in their systems in the same way. By using the known technique of ETL tool, it would allow their systems to exchange data between systems on a network.

41.   As per claims 14, 31, and 48, Jayaram, Fagin, Menon and Walsh teach the invention as claimed in claims 13, 30, and 47 above. Although Jayaram teach the data integration server uses programmatic interfaces to support compatibility between any one or more data stores (col. 2, lines 56-60), however, Jayaram, Fagin, Menon and Walsh do not teach to support compatibility between any commercially available ETL tool. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to support ETL tool or any type of tools for the data stores in order to provide a data store independent system allowing data conversion from any source data stores into any target data stores.

42.   As per claims 15, 32, and 49, Jayaram, Fagin, Menon and Walsh teach the invention as claimed in claims 14, 31, and 48 above. Jayaram further teach the data integration server

supports a controller to execute individual bulk data transfers using programmatic interfaces

where either: an Extract-Transform-Load (ETL) tool is not present (col. 3, lines 16-24) (i.e., ETL

is not present in the conversion engine); or an ETL tool is present but its capabilities are not

needed to transform data entities extracted from one or more source data stores, using one or

more of the plurality of programmatic source interfaces, before the extracted data entities are

loaded into one or more target data stores, using one or more of the plurality of programmatic

target interfaces, because physical database schemas of the source and target data stores are at

least substantially similar.

43.   Claims 7, 9, 24, 26, 41, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Jayaram, Fagin, Menon and Casagrande in view of Walsh.

44.   As per claims 7, 9, 24, 26, 41, and 43, Jayaram, Fagin, Menon and Casagrande teach the

invention substantially as claimed in claims 6, 8, 23, 25, 40, and 42 above. Jayaram, Fagin,

Menon and Casagrande do not teach Extract-Transform-Load (ETL) tool. Walsh teaches a

commercially available Extract-Transform-Load (ETL) tool supported within the data integration

server ([0089], [0092]).

45.   Because Jayaram, Fagin, Menon, Casagrande and Walsh teach similar method of

interfacing systems for data transfer, it would have been obvious to one having ordinary skill in

the art at the time of the invention was made to use known technique of ETL tool of transferring

data in Walsh's system to improve similar method of interfacing systems for data transfer in their

systems in the same way. By using the known technique of ETL tool, it would allow their

systems to exchange data between systems on a network.

46.   Applicant's arguments with respect to claims 1-53, filed 8/18/10, have been fully

considered but they are not persuasive.

47.   In the remark, applicant argued that:

> (1)   The prior arts of record fail to teach a plurality of relational
>
> interfaces used as alternatives to the plurality of programmatic source
>
> interfaces or the plurality of programmatic target interfaces based on file
>
> processing time and one or more performance requirements.
>
> (2)   The office action fails to establish a prima facie case of
>
> obviousness based on the "Examination Guidelines for Determining
>
> Obviousness under 35 U.S.C. 103 in view of the Supreme Court Decision
>
> in KSR International Co. v. Teleflex Inc.
>
> (3)   The office action has not shown the factual findings necessary to
>
> establish obviousness or even an explanation to support the obviousness
>
> rejection based on the proposed combination of Jayaram, Shannon,
>
> Casagrande, and Walsh.
>
> (4)   Office action fails to provide an indication of the level of ordinary
>
> skill.

    (5)   The Office action fails to explain why the difference between the combination of Jayaram, Shannon, Casagrande, Walsh, and the claimed invention would have been obvious to one of ordinary skill in the art.

    (6)   The office action does not adequately provide clear articulation of the reasons why applicants claimed invention would have been obvious.

48.   In response to points (1), applicant's argument has bee moot in view of new ground of rejection.

49.   In response to points (2)-(6), applicant's argument has been considered and addressed to in the previous office action mailed on 10/29/09.

50.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

    A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967.

The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every

other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300. Information

regarding the status of an application may be obtained from the Patent Application Information

Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip C Lee/

Primary Examiner, Art Unit 2448